

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JULY 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1700

Introduced by Assembly Members Laird and Wiggins

February 25, 2003

An act to add Section 25253.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1700, as amended, Laird. Budget Act of 2003: contaminated sites: funding: remediation.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act authorizes the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. Existing law generally requires the Controller to abolish any state position that is vacant for ~~six~~ 6 consecutive months ~~pay~~ on the following July 1.

This bill would prohibit the Controller and the Director of Finance from eliminating any staff position of the department funded from

Schedule (6) of Item 396-001-0014, Item ~~3960-011-0557~~ 3960-001-0557, or Item 3960-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases. The bill would also prohibit the Controller and the Department of Finance from imposing any hiring freeze or personal services limitations, including any staff position reductions, upon any staff position of the department funded from those budget items and would require the Controller and the Department of Finance to exclude, from the department's base for purposes of calculating any budget or staff position reductions required by the other state agency or state law, including the Budget Act of 2003, the specific amounts and positions from those budget items. The bill would also prohibit the Controller and the Department of Finance from requiring the department to reduce authorized positions or other appropriations for other department programs, including personal services, to implement those prohibitions and requirements.

The bill would authorize the department to establish staff positions to avoid undue delays in the department's oversight activities associated with remediation and revitalization of contaminated properties. The bill would also require the Controller, upon request of the department, and upon review and approval by the Department of Finance, to augment the appropriations made in those budget items. The bill would provide that these provisions do not apply to any appropriation or expenditure of General Fund moneys.

The bill would also impose similar restrictions and requirements upon the Controller and the Department of Finance with regard to any position of the State Water Resources Control Board funded from *Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases.*

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25253.5 is added to the Health and
- 2 Safety Code, to read:



1 25253.5. (a) (1) Notwithstanding Section 12439 of the
2 Government Code, the Controller may not eliminate any staff
3 position of the department funded from ~~Item 3960-011-0557~~
4 *Schedule (6) of Item 3960-001-0014, Item 3960-001-0557, or Item*
5 3960-001-0890 of Section 2.00 of the Budget Act of 2003 related
6 to the oversight of projects associated with remediation and
7 revitalization of contaminated properties, including, but not
8 limited to, closed military bases.

9 (2) Notwithstanding Section 4.10 of the Budget Act of 2003,
10 the Director of Finance may not eliminate any staff position of the
11 department funded from ~~Item 3960-011-0557~~ *Schedule (6) of Item*
12 *3960-001-0014, Item 3960-001-0557, or Item 3960-001-0890 of*
13 *Section 2.00 of the Budget Act of 2003 related to the oversight of*
14 *projects associated with remediation and revitalization of*
15 *contaminated properties, including, but not limited to, closed*
16 *military bases.*

17 (b) Neither the Controller nor the Department of Finance may
18 impose any hiring freeze or personal services limitations,
19 including any staff position reductions, upon any positions of the
20 department funded from ~~Item 3960-011-0557~~ *Schedule (6) of Item*
21 *3960-001-0014, Item 3960-001-0557, or from Item*
22 3960-001-0890 of Section 2.00 of the Budget Act of 2003 related
23 to the oversight of projects associated with remediation and
24 revitalization of contaminated properties, including, but not
25 limited to, closed military bases.

26 (c) The Controller and the Department of Finance shall
27 exclude, from the department's base for purposes of calculating
28 any budget or staff position reductions required by any state
29 agency or any state law, including the Budget Act of 2003, the
30 specific amounts and positions from ~~Item 3960-011-0557~~
31 *Schedule (6) of Item 3960-001-0014, Item 3960-001-0557, and*
32 *from Item 3960-001-0890 of Section 2.00 of the Budget Act of*
33 *2003 appropriated for the oversight of projects associated with*
34 *remediation and revitalization of contaminated properties,*
35 *including, but not limited to, closed military bases.*

36 (d) Notwithstanding any other provision of law, neither the
37 Controller nor the Department of Finance may require the
38 department to reduce authorized staff positions or other
39 appropriations for other department programs, including personal
40 services, to implement subdivision (a), (b), or (c).

1 (e) The department may administratively establish staff
2 positions to avoid an undue delay in the department's oversight
3 activities associated with the remediation and revitalization of
4 contaminated properties, including, but not limited to, closed
5 military bases, if all employee compensation, personal services,
6 and related costs, including increases in personal services
7 expenses resulting from collective bargaining, are fully funded by
8 ~~a military base or a Defense Site Memorandum of Agreement~~ *a*
9 *party responsible for the remediation of a military base or a*
10 *Department of Defense State Memorandum of Agreement* grant.

11 (f) ~~Upon~~ *Notwithstanding any other provision of law, upon*
12 request of the department, and upon review and approval by the
13 Department of Finance, the Controller shall augment the
14 appropriations in ~~Item 3960-011-0557 and Item 3960-011-0890~~
15 *Schedule (6) of Item 3960-001-0014, Item 3960-001-0557, and*
16 *Item 3960-001-0890* of Section 2.00 of the Budget Act of 2003 for
17 the oversight of projects associated with remediation and
18 revitalization of contaminated properties, including, but not
19 limited to, closed military bases, as needed, to provide funding for
20 any staff positions administratively established pursuant to
21 subdivision (e) or compensation contained in a collective
22 bargaining agreement.

23 (g) This section does not apply to any appropriation or
24 expenditure of General Fund moneys.

25 SEC. 2. Section 13177.7 is added to the Water Code, to read:

26 13177.7. (a) (1) Notwithstanding Section 12439 of the
27 Government Code, the Controller may not eliminate any staff
28 position of the State Water Resources Control Board funded from
29 *Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890* of
30 Section 2.00 of the Budget Act of 2003 related to the oversight of
31 projects associated with remediation and revitalization of
32 contaminated properties, including, but not limited to, closed
33 military bases.

34 (2) Notwithstanding Section 4.10 of the Budget Act of 2003,
35 the Director of Finance may not eliminate any staff position of the
36 State Water Resources Control Board positions funded from
37 *Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890* of
38 Section 2.00 of the Budget Act of 2003 related to the oversight of
39 projects associated with remediation and revitalization of

1 contaminated properties, including, but not limited to, closed
2 military bases.

3 (b) Neither the Controller nor the Department of Finance may
4 impose any hiring freeze or personal services limitations,
5 including any staff position reductions, upon any positions of the
6 state board funded from *Schedule (5) of Item 3940-001-0001* or
7 *Item 3940-001-0890* of Section 2.00 of the Budget Act of 2003
8 related to the oversight of projects associated with remediation and
9 revitalization of contaminated properties, including, but not
10 limited to, closed military bases.

11 ~~(c) Neither the Controller nor~~ *The Controller and* the
12 Department of Finance shall exclude, from the state board's base
13 for purposes of calculating any budget or staff position reductions
14 required by any state agency or any state law, including the Budget
15 Act of 2003, the specific amounts and positions from *Schedule (5)*
16 *of Item 3940-001-0001* and *Item 3940-001-0890* of Section 2.00
17 of the Budget Act of 2003 related to the oversight of projects
18 associated with remediation and revitalization of contaminated
19 properties, including, but not limited to, closed military bases.

20 (d) Notwithstanding any other provision of law, neither the
21 Controller nor the Department of Finance may require the state
22 board to reduce authorized staff positions or other appropriations
23 for other board programs, including personal services, to
24 implement subdivision (a), (b), or (c).

25 (e) The state board may administratively establish staff
26 positions to avoid an undue delay in the state board's oversight
27 activities associated with the remediation and revitalization of
28 contaminated properties, including, but not limited to, closed
29 military bases, if all employee compensation, personal services,
30 and related costs, including increases in personal services
31 expenses resulting from collective bargaining, are fully funded by
32 ~~a military base or Defense Site Memorandum of Agreement grant.~~
33 *a party responsible for the remediation of a military base or a*
34 *Department of Defense State Memorandum of Agreement grant.*

35 (f) Notwithstanding any other provision of law, upon the
36 request of the state board, and upon review and approval by the
37 Department of Finance, the Controller shall augment the
38 appropriations in *Schedule (5) of Item 3940-001-0001* and *Item*
39 *3940-001-0890* of Section 2.00 of the Budget Act of 2003 for the
40 oversight of projects associated with remediation and

1 revitalization of contaminated properties, including, but not
2 limited to, closed military bases, as needed, to provide funding for
3 any staff positions administratively established pursuant to
4 subdivision (e) or compensation contained in a collective
5 bargaining agreement.

6 (g) This section does not apply to any appropriation or
7 expenditure of General Fund moneys.

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